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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,965	09/12/2003	Scott David Thomas	GP-303054	6314
7590	02/09/2006		EXAMINER	
LAURA C. HARGITT General Motors Corporation Legal Staff, Mail Code 482-C23-B21 P.O. Box 300 Detroit, MI 48265-3000			TO, TOAN C	
			ART UNIT	PAPER NUMBER
			3616	
			DATE MAILED: 02/09/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/660,965	THOMAS, SCOTT DAVID
	Examiner Toan C. To	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 11, 15, 16, 18 and 25-27 is/are withdrawn from consideration.
- 5) Claim(s) 22-24 is/are allowed.
- 6) Claim(s) 1, 5, 6, 10, 12-14, 17, 19-21 and 28 is/are rejected.
- 7) Claim(s) 2-4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9-12-2003.
- 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species that represented by figures 2a-2d, 3b, 3f, and 4c, claims 1-6, 10, 12-14, 17, 19-24 and 28 in the reply filed on November 22, 2006 is acknowledged.
2. Claims 7-9, 11, 15-16, 18, 25-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 22, 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitation "an absence of sliding... after said at least one tether is released" is unclear as to meaning.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5-6, 12-14, 17, 19-21, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinsenschaum et al (U.S. 6,832,778).

Pinsenschaum et al discloses an air bag assembly for use in a vehicle for impact restraint, the air bag assembly comprising: an air bag cushion (20) inflatable to first and second amounts of expansion (first amount of expansion corresponds to the inflation of the airbag 20 as shown in figure 3A, and second amount of expansion corresponds to the inflation of the airbag 20 as shown in figure 3B) and deployable in an interior space of the vehicle, wherein said second amount of expansion is greater than said first amount of expansion; at least one tether (combination of tether element 30, anchoring strap 31 and tensioning strap 71) having a first portion (tether element 30); wherein said first portion includes a first loop (an opened loop of the tether element 30 is formed from two fixed points 25 and the guide element 29, it is noted that although the tether element 30 forms an opened loop, but it is still considered to correspond to the loop as claimed, since the claim does not recite whether the loop is opened, or closed loop); wherein said first loop is supported at a first location at the cushion (20); and wherein said at least one tether is releasably restrained such that the cushion is inflatable to the first amount of expansion when said at least one tether is so restrained and the cushion is inflatable to the second amount of expansion after said at least one tether is released (the tether 31 is released as shown in figure 3b).

As to claims 5-6, and 28, Pinsenschaum et al discloses an air bag assembly further comprising: at least one support element (29) forms a loop at the first location; wherein the first loop is secured at the loop formed by the at least one support element (29); as to claim 6, as best understood by the examiner, Pinsenschaum et al further discloses the at least one tether has a longitudinal portion (portion of anchoring element 31) extending from the first loop.

As to claims 12-14, Pinsenschaum et al discloses an air bag assembly comprising: at least one lateral tether element (71) supported at opposing lateral locations at the cushion (20), wherein the opposing lateral portions are substantially laterally disposed with respect to the first portion, wherein the at least one tether and the at least one lateral tether element (71) are unitary.

As to claim 17, Pinsenschaum et al discloses an air bag assembly comprising: a tether release mechanism (48) for releasably restraining the at least one tether.

As to claims 19-21; Pinsenschaum et al discloses an air bag assembly; wherein the at least one tether including a second loop (33) and the at least one tether is releasably restrained at the second loop (33); wherein the second loop (33) is formed from the at least one tether (31), a third loop (32) connected to the second loop (33); wherein the at least one tether is releasably restrained at the third loop (32).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinsenschaum et al.

One of the embodiments (figures 3A-3B) of Pinsenschaum et al discloses every element of the invention as discussed above but does not particularly disclose how the support element is secured to the airbag such that the at least one support element is a panel, and wherein the panel is secured to the cushion by sewn seams spaced apart from one another.

Another embodiment (figure 4A) of Pinsenschaum et al teaches an attachment configuration comprising another support element (73) is panel and the panel is secured to the cushion by sewn seams spaced apart from one another (see figure 4A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to alternatively secure the guide travel 29 to the airbag 20 by using similar attachment configuration as taught in figure 4A in order to protect occupant.

Allowable Subject Matter

9. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 22-24 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
February 3, 2006

 2/4/06
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